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In re Patent No. 6,024,935

Issue Date: 15 February, 2000

Application No. 08/822,170

Filed: 21 March, 1997

Attorney Docket No: 9113-2-CT2

DECISION

RE: PETITION TO REMOVE STATUS AS A SMALL ENTITY

This is a decision on the petition filed on 21 July, 2011, pursuant to 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

The address on the petition is different than that of record.

If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice must be submitted.

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **NOT ACCEPTED**.

Status as a Small Entity was not altered in Petitioner's request to pay fees at the schedule set forth for not-small entities **pending the following**:

- The second page of Petitioner's papers indicate a reference to Patent No. 6,577,985, Application No. 09/732,093—out of an abundance of caution, the Office requests

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that Petitioner confirm the patent on which Petitioner seeks action and the nature of the action Petitioner seeks (that should include the date on which the status actually changed, and a chart-out of the respective fees paid, fees actually now scheduled, the difference(s) and the total due).

- **Petitioner is given ONE month, not less than 30 days to resolve the matter.**

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

The instant application is released to IFW Files Repository in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
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¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.